



October 18, 2010

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Heidi:

The Canadian Wildlife Service (CWS) provided a number of comments and suggestions to Draft 2 of Sahtu Land Use Plan (LUP). We were pleased to see that these were duly considered by the Land Use Planning Board (LUPB), and in most cases incorporated into Draft 3. In our opinion, Draft 3 has improved markedly from Draft 2 in terms of clarity and organization. CWS has reviewed Draft 3 of the Sahtu Land Use Plan and has the following comments:

Page ix – the definition of “ecological integrity” is awkward. It isn’t clear what “characteristic of its natural region” means. Why not something more like ‘The composition and abundance of native species in an area or region as well as their interaction and natural processes, are that which would be expected naturally in that area or region.’ This need not be the actual wording, but it is attempting to more closely link natural functioning with areas unimpacted by human activity.

Page 8 – Figure 3, in the bottom box the acronyms should be identified in full since this is the first time they appear in the LUP.

Page 19 – 2.1.1/first paragraph, while CWS agrees with the assertion it should be noted that the relevance of the LUP to the management of future protected areas will be determined by the level of protection afforded by the particular protected area. For example, if a protected area has the protective equivalency of a ‘conservation zone’ under the Plan CWS would anticipate little role for the LUPB in its management beyond the ‘exceptions’ discussed under CR#2 and elsewhere.

Pages 22 and 36 – CWS supports the concept of Proposed Conservation Initiatives as a mechanism for ensuring the highest level of protection (i.e., equivalent to conservation zones in the LUP) for important cultural and ecological areas until they are formally designated as protected areas through legislation. In our view, and classification offering less protection before designation (e.g., special management zone) would not ensure the necessary level of protection and potentially could result in a eroding of the conservation values which the legislated protected area was intended to conserve.

Page 22 – second paragraph, this discussion is of particular interest as EC/CWS is sponsoring two National Wildlife Areas within the SSA. EC/CWS would like to have

a better understanding of the LUP's intent with this statement and would welcome the opportunity to discuss further.

Page 28 - Table 4, it is not clear what the insertion of "(5 of 7 Lakes)" for Guber Lake and similar insertions elsewhere in the Table means. To our knowledge there are not 7 lakes in the immediate area of Guber Lake in the Mackenzie Mountains. Furthermore, we are not clear what "(X of Y Sites)" means elsewhere in the Table. If the remaining sites are not contaminated what is their significance in this context?

Page 37 – in 2) a), it is important to note that if such activity were to occur in a National Wildlife Area managed by CWS, that CWS would expect this be conducted under a permit issued by ourselves. This permit would have such conditions attached, that would in our opinion be required to mitigate the environmental effects of the activity. CWS is interested in knowing what the LUPB's view is of their role in such a permitting process? Does the LUPB anticipate that it would have a role in the development of permit conditions and power of approval given its assertions elsewhere in the LUP concerning the application of the LUP to protected areas other than national parks?

Page 54 – CR#7, 4) identifies horizontal setbacks. The LUP needs to be more precise as to what is being setback from (as identified in Table 8).

Page 66 – The split between 4.1.1 and 4.1.2 is not intuitively obvious. Section 4.1.1 applies to all 'zones', but as stated under 4.1.2 CRs #14, 15 also apply to all zones. Perhaps some rewording is required to make the reason for this split more apparent to the reader.

Page 69 – CR#16 is vague to the point of being meaningless, unless this is intended to be some acknowledgement of the GBLW history? Would not CR#16 be achieved ("maintenance of ecological and cultural integrity") if the preceding CRs, and following Actions and Recommendations are adhered to by Regulators and Proponents?

Page 79 – Should read "CWS Key Migratory Bird Terrestrial Habitat Sites" to be consistent with the reference identified on page 80.

Pages 92-94 – Ensure that Ts'ude niline Tu'eyeta is spelled correctly. In several places the old spelling is used.

Page 264 – CWS questions the need and practicality for a "self-funded" Sahtu 'Land Use' Working Group as it should more appropriately be called. At the very least, self-funding would like rule out the participation of a number of interest groups unless new funds were forthcoming from government. At a time when there is movement afoot to streamline the NWT regulatory process, including the possible reduction in Boards and related agencies, and in a time of increasing funding restrictions CWS

wonders about the support for such a Working Group. In addition, the LUP lays out an extremely ambitious, 4 year agenda for the Working Group. Given the above considerations and the lack of current and into the mid-term developmental pressure in the Sahtu Region, is there the motivation to sustain such a Working Group? However, CWS agrees with the need to meet Actions 3-6 for the successful implementation of the LUP. Below we address each of these:

Action #3

Considering the detail provided in CR#2 and the discussion under Recommendation #5 including the INAC consultation principles, CWS questions the need for an exhaustive exercise to “develop community engagement guidelines”. Furthermore, CWS does not agree with the statement on page 265 which appears to imply that proponents of significant projects at least, are using a paper based approach to community engagement. By now industry knows that if they wish to conduct business in the NWT, they need to engage with regional and community based organizations and individuals. CWS does not rule out the need, however, for a detailed ‘how to’ manual for addressing how proponents should conduct themselves in communities and how to best present their case. Such a topic specific project could be accomplished under contract by the LUPB, assuming they would have an operating budget to allow for projects such as this.

Action #4

While CWS agrees that a ‘best practices’ approach is the preferred way of conducting developmental activities anywhere, for “exceptional” developmental activities (as discussed in the LUP) on protected areas where we have management responsibilities and permitting capability CWS would apply conditions to those permits that would reflect best practices. In other words we would expect a high level of environmental conduct that ‘meets or beats’ that on lands for which we had no regulatory authority. CWS remains sceptical, however, that the LUPB would get the broad buy-in required for the Land Use Working Group it is proposing as well as the focused effort over a 4 year period to accomplish this. Regulators such as CWS and other agencies should be building-in best practices approaches to their ongoing permitting activities. Perhaps the LUPB should focus its efforts at that level.

Action #6

It is doubtful “every department, agency, and organization operating in the Sahtu Settlement Area” would or could support a dedicated position such as identified here. Perhaps a ‘liaison’ person based with the LUPB could serve as a go-between for fostering effective communication between such bodies and the communities.

Page 278 – When it comes to wildlife management and research, CWS (and ENR for that matter) are Regulatory authorities. See comments below re: Table 11 on page

290. If this statement is restricted to regulatory responsibilities associated with development proposal, and not wildlife research and management, then it can stand but perhaps some rewording (clarification) is in order.

Page 282 – Recommendation #16 seems to be straying considerably from the goals and objectives of the LUP. Suggest this be omitted, or reworded to provide a closer link between strengthening culture and land use planning. The LUP, in other places, has clearly identified the need to incorporate cultural values and traditional knowledge in land use planning and environmental assessment.

Page 288 – In Figure 4, why is there no identification of the role of the Sahtu Land and Water Board, another key organization in land management created through the SDMCLCA? Perhaps the “referral organizations” referred to in the left side box, mid-way down should be expressly identified.

Page 290 – Table 11. EC/CWS should be added as a Regulator. For research related to migratory birds CWS issues Scientific Permits under the Migratory Birds Convention Act, much like the Wildlife Research Permit issued by ENR and identified in the Table. For any future CWS protected areas in the Sahtu Region (e.g., National Wildlife Areas) CWS also has the authority to issue permits for activities conducted in those protected areas.

Thank you for the opportunity to comment on this latest draft of the LUP, and we hope you find these comments constructive.

Sincerely,

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